

Senate File 2201

H-8488

1 Amend Senate File 2201, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 29 by inserting:

4 <Sec. _____. Section 505.8, Code Supplement 2009, is
5 amended by adding the following new subsection:

6 **NEW SUBSECTION.** 18. The commissioner shall
7 annually convene a work group composed of the consumer
8 advocate, health insurance carriers, health care
9 providers, small employers that purchase health
10 insurance under chapter 513B, and individual consumers
11 in the state for the purpose of considering ways
12 to reduce the cost of providing health insurance
13 coverage and health care services, including but
14 not limited to utilization of uniform billing codes,
15 improvements to provider credentialing procedures,
16 reducing out-of-state care expenses, and the electronic
17 delivery of explanation of benefits statements. The
18 recommendations made by the work group shall be
19 included in the annual report filed with the general
20 assembly pursuant to section 505.18.

21 Sec. _____. Section 505.17, Code 2009, is amended to
22 read as follows:

23 **505.17 Confidential information.**

24 1. *a.* Information, records, and documents utilized
25 for the purpose of, or in the course of, investigation,
26 regulation, or examination of an insurance company or
27 insurance holding company, received by the division
28 from some other governmental entity which treats such
29 information, records, and documents as confidential,
30 are confidential and shall not be disclosed by the
31 division and are not subject to subpoena. Such
32 information, records, and documents do not constitute a
33 public record under chapter 22.

34 *b.* The disclosure of confidential information,
35 administrative or judicial orders which contain
36 confidential information, or information regarding
37 other action of the division which is not a public
38 record subject to disclosure, to other insurance and
39 financial regulatory officials may be permitted by
40 the commissioner provided that those officials are
41 subject to, or agree to comply with, standards of
42 confidentiality comparable to those imposed on the
43 commissioner.

44 2. Notwithstanding subsection 1, an application for
45 a rate increase filed by a health insurance carrier and
46 all information, records, and documents accompanying
47 such an application or utilized for the purpose of,
48 or in the course of consideration of the application
49 by the commissioner, shall constitute a public record
50 under chapter 22 except as provided in this subsection.

1 a. The commissioner shall consider the written
2 request of a health insurance carrier to keep
3 confidential certain details of an application or
4 accompanying information, records, and documents. If
5 the request includes a sufficient explanation as to why
6 public disclosure of such details would give an unfair
7 advantage to competitors, the commissioner shall keep
8 such details confidential. If the commissioner elects
9 to keep certain details confidential, the commissioner
10 shall release only the nonconfidential details in
11 response to a request for records made pursuant to
12 chapter 22. If confidential details are withheld from
13 a request for records made pursuant to chapter 22, the
14 commissioner shall release an explanation of why the
15 information was deemed confidential and a summary of
16 the nature of the information withheld and the reasons
17 for withholding the information.

18 b. In considering requests for confidential
19 treatment, the commissioner shall narrowly construe the
20 provisions of this subsection in order to appropriately
21 balance an applicant's need for confidentiality
22 against the public's right to information about the
23 application.

24 c. The commissioner shall adopt rules establishing
25 a process relating to requests to keep information
26 confidential pursuant to this subsection which may
27 include but are not limited to the following:

28 (1) The nature and extent of competition in the
29 applicant's industry sector or service territory.

30 (2) The likelihood of adverse financial impact to
31 the applicant if the information were to be released.

32 (3) Any other factor the commissioner reasonably
33 considers relevant.

34 Sec. ____. **NEW SECTION. 505.18 Internet consumer**
35 **guide — annual report.**

36 1. Consumers deserve to know the quality and cost
37 of their health care insurance. Health care insurance
38 transparency provides consumers with the information
39 necessary, and the incentive, to choose health plans
40 based on cost and quality. Reliable cost and quality
41 information about health care insurance empowers
42 consumer choice and consumer choice creates incentives
43 at all levels, and motivates the entire health care
44 delivery system to provide better health care and
45 health care benefits at a lower cost. It is the
46 purpose of this section to make information regarding
47 the costs of health care insurance readily available to
48 consumers through the consumer advocate bureau of the
49 insurance division.

50 2. The consumer advocate shall implement and

1 maintain a consumer guide on the internet site of
2 the insurance division that is easily accessible and
3 available to consumers regarding each health insurance
4 carrier licensed to do business in the state. The
5 information shall be useful to consumers and purchasers
6 of health insurance and shall include but is not
7 limited to information regarding health insurance plan
8 design, premium rate filings and approvals, health care
9 cost information, and any other state-based information
10 the consumer advocate determines may be beneficial to
11 consumers and purchasers of health insurance. The
12 consumer advocate may contract with outside vendors or
13 entities to assist in providing this information.

14 3. The commissioner in collaboration with the
15 consumer advocate shall prepare and deliver a report
16 to the governor and to the general assembly no later
17 than November 15 of each year that provides findings
18 regarding health spending costs for health insurance
19 plans in the state for the previous fiscal year.

20 The commissioner may contract with outside vendors
21 or entities to assist in providing the information
22 contained in the annual report. The report shall
23 provide, at a minimum, the following information:

24 a. Aggregate health insurance data concerning loss
25 ratios of health insurance carriers licensed to do
26 business in the state.

27 b. Rate increase data.

28 c. Health care expenditures in the state and the
29 effect of such expenditures on health insurance premium
30 rates.

31 d. A ranking and quantification of those factors
32 that result in higher costs and those factors that
33 result in lower costs for each health insurance plan
34 offered in the state.

35 e. The current capital and surplus and reserve
36 amounts held in reserve by each health insurance
37 carrier licensed to do business in the state including
38 whether these funds are available to offset premium
39 increases and the reasons for such availability or
40 unavailability.

41 f. A listing of any apparent medical trends
42 affecting health insurance costs in the state.

43 g. Any additional data or analysis deemed
44 appropriate by the commissioner to provide the
45 general assembly with pertinent health insurance cost
46 information.

47 h. Recommendations made by the work group convened
48 pursuant to section 505.8, subsection 18.

49 Sec. ____ NEW SECTION. 505.19 Health insurance
50 rate increase applications — public hearing and

1 comment.

2 1. All health insurance carriers licensed to
3 do business in the state shall immediately notify
4 policyholders of any application for a rate increase
5 that is filed with the insurance division. Such
6 notice shall specify the rate increase proposed that
7 is applicable to each policyholder and shall include
8 the ranking and quantification of those factors that
9 are responsible for the amount of the rate increase
10 proposed. The notice shall include information about
11 how the policy holder can contact the consumer advocate
12 for assistance.

13 2. The commissioner shall hold a public hearing at
14 the time a carrier files for proposed health insurance
15 rate increases prior to approval or disapproval of
16 the proposed rate increases for that carrier by the
17 commissioner.

18 3. The consumer advocate shall solicit public
19 comments on each proposed health insurance rate
20 increase application and shall post without delay all
21 comments received on the insurance division's internet
22 site prior to approval or disapproval of the proposed
23 rate increase by the commissioner.

24 4. The consumer advocate shall present the public
25 testimony and comments received for consideration by
26 the commissioner in determining whether to approve
27 or disapprove such health insurance rate increase
28 proposals.

29 5. The commissioner shall adopt rules pursuant
30 to chapter 17A to implement the provisions of this
31 section.>

32 2. Page 18, after line 31 by inserting:

33 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
34 provisions of this Act, being deemed of immediate
35 importance, take effect upon enactment:

36 1. The section of this Act enacting section 505.8,
37 subsection 18.

38 2. The section of this Act amending section 505.17.

39 3. The sections of this Act enacting sections
40 505.18 and 505.19.>

41 3. Title page, line 4, after <Act> by inserting <a
42 health care and insurance cost work group, applications
43 for health insurance rate increases, an internet
44 consumer guide,>

45 4. Title page, line 9, after <applicable> by
46 inserting <and including effective date provisions>

47 5. By renumbering as necessary.

PETERSEN of Polk